
HOUSE BILL 1088

State of Washington

57th Legislature

2001 Regular Session

By Representatives Dunshee and Edwards

Read first time 01/16/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to allowing a second open record hearing and closed
2 record appeal in certain instances; and amending RCW 36.70B.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.70B.060 and 1995 c 347 s 407 are each amended to
5 read as follows:

6 Not later than March 31, 1996, each local government planning under
7 RCW 36.70A.040 shall establish by ordinance or resolution an integrated
8 and consolidated project permit process that may be included in its
9 development regulations. In addition to the elements required by RCW
10 36.70B.050, the process shall include the following elements:

11 (1) A determination of completeness to the applicant as required by
12 RCW 36.70B.070;

13 (2) A notice of application to the public and agencies with
14 jurisdiction as required by RCW 36.70B.110;

15 (3) Except as provided in RCW 36.70B.140, an optional consolidated
16 project permit review process as provided in RCW 36.70B.120. The
17 review process shall provide for no more than one consolidated open
18 record hearing and one closed record appeal. However, a second open
19 record hearing and closed record appeal shall be allowed if, after an

1 initial open record hearing and closed record appeal, an environmental
2 impact statement, declaration of nonsignificance, threshold
3 determination, or other action is taken under chapter 43.21C RCW in
4 response to a finding that the initial action was inadequate. If an
5 open record predecision hearing is provided prior to the decision on a
6 project permit, the process shall not allow a subsequent open record
7 appeal hearing;

8 (4) Provision allowing for any public meeting or required open
9 record hearing to be combined with any public meeting or open record
10 hearing that may be held on the project by another local, state,
11 regional, federal, or other agency, in accordance with provisions of
12 RCW ((~~36.70B.090~~ and)) 36.70B.110;

13 (5) A single report stating all the decisions made as of the date
14 of the report on all project permits included in the consolidated
15 permit process that do not require an open record predecision hearing
16 and any recommendations on project permits that do not require an open
17 record predecision hearing. The report shall state any mitigation
18 required or proposed under the development regulations or the agency's
19 authority under RCW 43.21C.060. The report may be the local permit.
20 If a threshold determination other than a determination of significance
21 has not been issued previously by the local government, the report
22 shall include or append this determination;

23 (6) Except for the appeal of a determination of significance as
24 provided in RCW 43.21C.075, if a local government elects to provide an
25 appeal of its threshold determinations or project permit decisions, the
26 local government shall provide for no more than one consolidated open
27 record hearing on such appeal. The local government need not provide
28 for any further appeal and may provide an appeal for some but not all
29 project permit decisions. If an appeal is provided after the open
30 record hearing, it shall be a closed record appeal before a single
31 decision-making body or officer;

32 (7) A notice of decision as required by RCW 36.70B.130 and issued
33 within the time period provided in RCW 36.70B.080 ((~~and 36.70B.090~~));

34 (8) Completion of project review by the local government, including
35 environmental review and public review and any appeals to the local
36 government((~~, within any applicable time periods under RCW~~
37 ~~36.70B.090~~)); and

1 (9) Any other provisions not inconsistent with the requirements of
2 this chapter or chapter 43.21C RCW.

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